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APPLICATION NO.	ICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,710	02/05/2004		Jan S. Temler	IP-025287	5625
1726	7590 05/03/2006			EXAMINER	
		APER COMPAN	BEAUCHAINE, MARK J		
	6285 TRI-RIDGE BOULEVARD LOVELAND, OH 45140				PAPER NUMBER
	, and the second			3653	
				DATE MAILED: 05/03/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
	10/772,710	TEMLER ET AL.					
Office Action Summary	Examiner	Art Unit					
	Mark J. Beauchaine	3653					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be timused apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE!	I.  nely filed  the mailing date of this communication.  D (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on 27 Ja	nuary 2006.						
2a) ☐ This action is <b>FINAL</b> . 2b) ☑ This	·						
3) Since this application is in condition for allowar	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims							
4)⊠ Claim(s) <u>1-12</u> is/are pending in the application.							
4a) Of the above claim(s) is/are withdrawn from consideration.							
5)⊠ Claim(s) <u>1-10</u> is/are allowed.							
6)⊠ Claim(s) 11 and 12 is/are rejected.							
7) Claim(s) is/are objected to.	7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	r election requirement.						
Application Papers							
9)☐ The specification is objected to by the Examiner.							
10)⊠ The drawing(s) filed on <u>05 February 2004</u> is/are	e: a)⊠ accepted or b)⊡ objecte	d to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a) ☐ All b) ☐ Some * c) ☐ None of:							
1. Certified copies of the priority documents have been received.							
<ul> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage</li> </ul>							
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
	·						
Attachment(s)							
1) Notice of References Cited (PTO-892)	4) Interview Summary						
<ul> <li>2) Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)</li> </ul>	Paper No(s)/Mail Da 5)  Notice of Informal F	ate Patent Application (PTO-152)					
Paper No(s)/Mail Date	6) Other:						

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#### **DETAILED ACTION**

The statement of reasons for the indication of allowable subject matter of Office action dated 21 September 2005 is hereby withdrawn.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Number US 6,371,304 B2 by Gambini (hereinafter "Gambini"). The paper roll conveying apparatus disclose by Gambini incorporates belt units 15a and 15b that are arranged end to end and form opening 26 between adjacent ends of the conveyors (see Figure 1). Furthermore, the belt unit/gap arrangement transports finished rolls 12 past the opening 26 and allows crop ends 13 to drop through the opening 26 (column 3, lines 19-22). This process reads on the Applicants' step of disposing multiple conveyors to define a gap therebetween.

Gambini further discloses the step of raising and lowering tongue 36 located within opening 26 to cover the opening to varying degrees (column 3, lines 37-50). This step reads the Applicants' step of selectively covering portions of the gap.

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Still further, Gambini discloses spiral spring 38 that yields to crop ends entering the opening 26. This step reads on the Applicants' step of automatically adjusting the covering of the gap.

Although Gambini discloses the separation of cropped ends of paper rolls from usable paper rolls in lieu of wood debris being separated from wood product, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the process of separating crop ends of rolls disclosed by Gambini by varying an opening between two conveyors is analogous to the Applicants' wood debris separation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the conveying/separating process of Gambini to convey wood products and separate wood debris from the wood products.

Regarding claim 12, spiral spring 38 acts to bias tongue 36 in the upper position and allow a portion of opening 26 to remain unblocked (see Figure 5). This step reads on the Applicants' step of biasing the covering of the gap to maximum coverage while still allowing the passage of debris through the gap.

### Allowable Subject Matter

Claims 1-10 are allowed.

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## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark J. Beauchaine whose telephone number is (571)272-6934. The examiner can normally be reached on 8:00AM through 5:00PM Mondays through Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571)272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mjb

EILEEN D. LILLIS SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3600

ldea

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